G. R. S. IX-5]

Previous references.

Revenue

1918. Q.

(Cs)

File No. ~~167-18~~ 8-

Serial Nos. 142

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Wrong

Part B for April Q.

SUBJECT.

Memorial of Chikka praying for remission of Sentence of death passed on him in Hassan Session Case No 5 of Q17-18.

Secy to the Registrar Chief Court No Q 9781 Dt 29-11-18 for a copy of the order passed by His Highness the Maharaja on the memorial of Chikka.

W D 1250—GPB—30,000 - 28-1-19

C.325

G. R. S. III—1] 1918.

GENERAL AND REVENUE SECRETARIAT

(Courts)

NOTES.

File No. 87-18

FILE HEADING.

Memorial of Chikka praying for remission of sentence of death passed on him in Hassan Sessions Case No. 5 of 1917-18.

From

The Registrar, Chief Court.

No. 261/Cr Dated 27-9-1918 Received 1-10-1918

Diary No. 6933	Enclos. Records Spare Copies.	Serial No. 1.

BRIEF ABSTRACT OF LETTER.

Forwards the memorial with entire records.

NOTES AND ORDERS.

1) Submd. for orders. The facts of the case are set out in the Judgment of the Sessions Judge.

2) Sawma and Chikka were tried before the Sessions Judge, Mysore division, for

NOTES—First Sheet.

WD 1232--GPB—20,000—18-11-18

G. R. S. III-2

General and Revenue Secretariat. | C5 File No. 87 of 1918

Serial No.

the murder of one Lakka alias Mada, found guilty, and convicted and sentenced to death. The Chief Court on appeal, have reversed the conviction of the first accused & confirmed the conviction & sentence on Chikka the 2nd accused. The memorialist prays for clemency on the grounds that he is innocent and that he has been falsely implicated by P. Ws 8, 9 & 10 on account of enmity.

8cn 2/10/18.

C5 2/10/18 4) The petitioner and one Sanna were tried for the murder of one Mala, found guilty, convicted, Sentenced to death by the Sessions Judge of Mysore, on appeal, the Sentence as regards Sanna were set aside, but that of petitioner was affirmed by the Chief Court.

5) The petitioner now presents the memorial on the ground that he is innocent, and was not even acquainted with the deceased a native of a different taluq & that the case was concocted against him by his enemies with the aid of the Police.

6) On the 1st Feb'y 1918 the dead body of a man without the head was found in a field near Arakere in village in Channarayapatna taluq

NOTE—Contn. sheet.

Serial No.

The medical examination showed that death was due to decapitation; the body was not identified. After 5 or 6 days it was ascertained that the petitioner a resident of Hosle Varas in Balug had visited the toddy shop at a distance of 2 miles from Arakere, on the evening previous to which the dead body was found. He was arrested on information given by him, the head was found in the middle of a tank tied up in a gunny bag. On information given by him, the deceased was traced to a village in Hassan Balug. The head was identified by him of Mata by his brother in law. The accused Sanna was also arrested as having had a hand in the murder, he was said to have had illicit relations with Kadoori wife of the deceased, and to have killed the deceased with the aid of the petitioner in order to ~~as~~ illegal as his relationship was resented objected to. It is unnecessary to go into the case against him as the Sessions Court have acquitted him on appeal.

In regard to the petitioner, it must be admitted that there is absolutely no evidence of any motive for his killing the accused, especially as the evidence against Sanna is disbelieved. There is, however, clear evidence that he was last seen with the deceased near the toddy shop on the evening previous to the discovery of the body, and that it was

NOTE—Contn. sheet.

Serial No.

on his information that the head was found in the tank. Hardoori

8) Put a point for order whether there are any grounds for showing clemency to the petitioner

9) In this connection, attention is respectfully invited to the remarks of the learned Sessions Judge (who is now the DG of Police) and of the Justice Paramaswara Iyer in regard to the disappearance of Hardoori the wife of the deceased from the custody of the Police. May the DG of Police be requested to hold an inquiry in the matter and submit a report thereon.

EB
17/10

Read 19/10/18

Dist Member)

10) I must say that the evidence against the petitioner is not much as to the characters as are known and remember dates. I am not sure of the 5th in any respect there have been and which was adduced against the co-accused Ramna who was acquitted of the charge. But I attempted it was on his information, that the head of the deceased was found in a tank not far from the scene of occurrence. Moreover, as the

NOTE—Contn. sheet.

G. R. S. 12]

General and Revenue Secretariat.

Cts File No. 87 of 1918.

Serial No.

Case, in a nutshell, I don't think it
page 6 endorses the memorandum 6
pages the extreme penalty of the law.
I would strongly recommend the case
for the commutation of the death sentence
into one of transportation for life,
under the circumstances.

Secy
20/10/18

(1) May be considered
at the next meeting of Council

Secy
21/10/18

(2) Yes (

22.10.18 Hs

(3) To my mind this is a case in which
the extreme penalty of law should be
enforced. Motive is totally wanting &
the sentence passed is one which can be
justifiably commuted into one of transportation
for life.

(4) The remarks of both the C. J & the Ch. C. J
in the matter of the disappearance of the
woman concerned, and the conduct of the
Police with reference to it are disparaging
to the good name of the Police, to effect of which
spares to bear up the mystery and

Secy
28.10.18.

NOTE—Contn. sheet.

GPB—70,000—17-12-15

(For Disposal at the next Meeting)

No. C. 324

28/10/1918

GENERAL AND REVENUE SECRETARIAT.

COUNCIL MATTER.

SUBJECT.

(Clause vi of the Schedule)

Memorial of Chikka praying for remission of sentence of death passed on him in Hassan Sessions Case No.5 of 1917-18.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

Chief Secretary to Government.

26th October 1918.

Extraordinary Member of Council.

First Member of Council. Opinion recorded.

Second Member of Council.

1412-103
28.10.18.

Extra Member of Council. Opinion recorded
28.10.18

WD 2678—GRB—4,600—11-5-17

Extract from the Proceedings of the 467th *Meeting of the Council of His Highness the Maharaja, held at Bangalore on the* 29th October 19 18.

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8. Subject.—Clause vi of the Schedule.

Memorial of Chickka praying for remission of sentence of death passed on him in Hassan Sessions Case No.5 of 1917-1918.

Opinion of the Council.

The sentence may be commuted into one of transportation for life.

Sd. M. Visvesvaraya,
Dewan of Mysore.

"EXTRACT"

Chief Secretary to Government.

GRSM. 508

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat.

A File No. 87 of 1918.

Serial No.

To the ~~Assistant~~ Secretary, Branch III (Protection)

for kindly submitting the file to the First Member of Council with a draft Final Note.

Draft
SS
31/10

D.F.N. & D.S.N. Submd

SS
4/11.

~~For~~ favour of approval
SS
5/11

First Member)
Fair final note signed by Two Members
is put up.
M
6/11/18

Draft submitted

Dewan

SS
6/11/18

18

NOTE—Contn. sheet.

Final Note by the First Member of Council.

Subject:—

Memorial of Chikka praying for remission of sentence of death passed on him in Hassan Sessions Case No.5 of 1917-18.

The facts of the case are stated in paragraph 6 of the Office Notes in courts file No.87 of 1918-19. The memorialist and one Sanna were tried for the murder of one Mata. They were found guilty, convicted and sentenced to death by the Sessions Judge of Mysore. On appeal to the Chief Court the conviction and sentence as regards Sanna were set aside. But the conviction of the memorialist was affirmed by the Chief Court.

2. The memorialist now prays for clemency on the grounds that he is innocent and was not even acquainted with the deceased, a native of a different Taluk and that the case was concocted against him by his enemies with the aid of the Police.

3. The evidence against the memorialist is not such as to be characterised as one beyond all reasonable doubt. There is absolutely no evidence of any motive for his killing the accused. There is, however, clear evidence that he was last seen with the deceased near the toddy shop on the evening of previous to the discovery of the body and that it was on his information that the head was found in the tank.

4. I would strongly recommend the case for a commutation of the death sentence into one of transportation for life.

5. The Council are also of a similar opinion.

6 Nov 1918

First Member of Council.

Submitted to His Highness.

I submit herewith a Final Note by the First *Member of Council on the subject of* a memorial of Chikka praying for remission of sentence of death passed on him in Hassan Sessions Case No. 5 of 1917-18 *for His Highness' gracious approval.*

C. Krishnaya

Dewan.

9th Jan. 1918.

C. 315.

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Memorial of Chikka praying for remission of the sentence of death passed on him in Hassan Sessions Case No.5 of 1917-18.

483.

Order.

~~KRW~~
11/11/18

Chief Secretary
13.11.18

Secretary
Chief Secretary
Chief Secretary
Secretary

247
15.11.18.

16.11

1925
15.11.18

15/11/18

1692-23
16.11.18

16.11.18

Draft Ord
15/11

G. R. S. III-2

General and Revenue Secretariat.

CS File No. 87 of 1918.

Serial No.

Sub'd with draft and fair order of H. H.

Draft to Regr. communicating The order is also put up.

Sd/ 19/11 Signature. In favour of Dewan's

Sd 19/11

(Misses) Dewan)

2723
23.11.18

Sd 22/11/18

Signed by the Dewan 23.11.18

2 To The Registrar Chief Court

Sd 27/11

No G 9781 dt 29.11.18

Forwards a copy of the order passed by H.H. the Maharaja on the memorial [illegible].

PHOTOGRAPH BRANCH. 2 JUL 1919

NOTE—Contn. sheet.

WD A 1789—GPE—60,000—20-8-18—S.

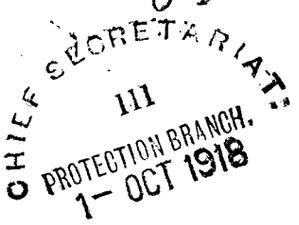
Bangalore,

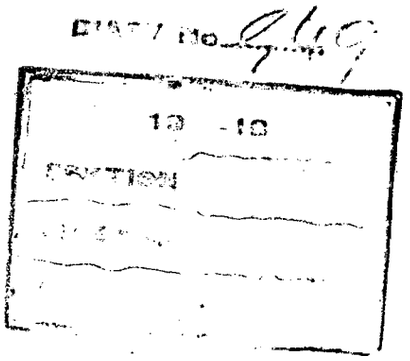
1689 Dated 27th September 1918.

From

THE REGISTRAR OF THE

CHIEF COURT OF MYSORE.





To

THE SECRETARY TO GOVERNMENT,

~~GENERAL AND REVENUE DEPARTMENTS~~.

Sir,

I am directed to forward a memorial addressed to His Highness the Maharaja by Chikka 2nd accused in Hassan Sessions Case No. 5 of 1917-18 on the file of the Sessions Judge of Mysore Division and appellant in Criminal Appeal No. 99 of 1917-18 on the file of this Court. Criminal Referred Case No. 12 of 1917-18

The entire record of the case is herewith forwarded.

I have the honor to be,

Sir,

Your most obedient servant,

Registrar.

GPB—1,000—16-8-12

Tr. 205

Memorial for Mercy

Case No: 12 of 17-18

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Friday, the 6th day of September 1918.

Present.

Sir LESLIE C. MILLER, Kt., Chief Judge,

and

Mr. Justice T.PARAMASIVA IYER.

Petitions of Criminal Appeals Criminal Referred Nos. 93 and 99 of 1917-18 against the convictions and sentences Case No: 12 of 1917-18 by the Sessions Judge of Mysore (Mr. Mir Hamza Hussain), under section 302 of the Indian Penal Code, in Session Sessions Case No. 6 of 1917-18.

In Cr. Ap. 93:-

APPELLANT.

S e n n a

(1st accused)

In Cr. Ap. No.99:-

APPELLANT.

C h i k k a

(2nd accused)

JUDGMENT.

The CHIEF JUDGE :-

The facts of these cases are fully set out in the judgment of the Sessions Judge and it is unnecessary to repeat them here.

The evidence against the second accused Chikka is strong: there is no getting over the fact which is proved by very good evidence that the discovery of the dead man's head was due to his information: the head was found in

in a tank nearly one and a half miles from the place where the trunk was found and there is no difficulty in accepting the evidence that but for the fact that the second accused knew where it was and took the Amildar to the place it could not have been found.

Nor is there any reason to reject the evidence of Botta, Singa and Dasa that Chikka was seen on the evening of the 31st of January at the toddy shop at Settiganahalli far from his village. Botta says there were two men seated under a toddy tree, and he afterwards identified the first accused as one of them, but says he was in the toddy shop by which however perhaps he means the same thing. Singa says he spoke to the second accused, and his companion Dasa got some toddy for him: they also afterwards identified the first accused as one of two Gondas who came with Chikka to the toddy shop.

Botta is a relation of Chikka and Singa has known him he says for four years: Dasa also knows him: so they cannot have mistaken him, and there is evidence that information against Chikka reached the Amildar from their village of Sagathavalli which is not far from the toddy shop. Chikka lives in Kammanmidra at a much greater distance.

The fact that Chikka was at the toddy shop that afternoon in company with a Gonda who may have been the deceased, coupled with the facts that the deceased was murdered that night not far away, and that Chikka showed where his severed head had been thrown into the Sagathavalli tank and does not explain how he came to know it was there, these facts are sufficient evidence to place beyond reasonable doubt his participation in the murder.

There

There is not much evidence as to any motive that he personally had to kill the deceased Kata, and the theory advanced by the prosecution is that he was hired by the first accused Sanna to help him with the murder, but whatever be the reason which induced him to take part in the crime there seems to be no reason to doubt that he did assist at it.

As regards the first accused, the Sessions Judge says that he considered whether this man should not be given the benefit of the doubt, but being unable to shake off the conviction that he also is guilty concurred with the assessors in convicting him also of the murder.

The evidence against him apart from his confession which is certainly not wholly true and which it is difficult to believe was really voluntary, and apart from the confession of the second accused which the Sessions Judge rightly refuses in the circumstances to accept as evidence under section 30 of the Evidence Act against the first accused, is very weak. Assuming for the moment that he went along with the second accused to the shandy at Kuncho on the 31st of January and that on the way they were joined by Kata, the evidence of Kalo and J.Sanna Gowda does not shew that he left Kuncho with either the second accused or Kata. Kalo did not see them after reaching the shandy and Sanna Gowda did not see them leave Kuncho, and the only information he got as to their / proposed movements was from Chikka who said that he was going to Bindenahalli to see some relations. It is not shown that either Kata or the first accused had relations at that village, nor is it said that either of them said that he

was

was going there. Nor is it shown that the first accused did not return to his own village that evening. He was there next day according to the witness Ammai, and then said that Mata had gone to Gollar Hossahalli a statement which, if he made it at all, may have been true so far as he knew, though in fact Mata did not go to that village.

The only evidence that he remained with Chikka and Mata till the evening is that of Betta ~~and~~ Singa and Dasa who say they saw him at Settaganahalli. But none of them had ever seen him before, and on that ground their evidence must be received with caution. Betta's account is that when he arrived at the toddy shop he saw his relation the second accused sitting with Dasa and Singa and also ~~spied~~ saw two ~~were~~ men under a tree. He passed into the shop and when he came out Chikka and the two men had gone and a sickle which he had left outside had gone also. So that on his own shewing he had only a passing glance at the two men, and his ability to recognize them is open to doubt. Singa and Dasa had better opportunities because they remains seated outside the shop while the two men sat under the tree and if we could be sure that they and Betta all separately picked out the first accused from among a number of strangers at Chennarayapatna without previous preparation by the ~~public~~ police the evidence would be strong. But we have no definite evidence how this "identification parade" was conducted. The Amildar says only that he paraded the first accused before the witnesses along with several others but does not say who the others were, or what class of persons. Nor does any of the three witnesses give any particulars, except that Dasa and Betta say they were inside the cachery.

Such

Such evidence as was available apart from this as against the first accused was by the date of this parade (the 22nd of February) in the hands of the police: the accused was not merely of one of a number of suspects collected in order that it might be seen if any one could pick out an offender from among them: and it is not possible to reject as improbable the suggestion that the witnesses were instructed whom to select. The police according to Exhibit P_4 were instructed "any how to detect the case" and the importance of proving that the first accused was with Chinna at Sattiyamallli in the afternoon of the 31st of January was so great, that it is to be feared it is unlikely that they would be content to leave his identification altogether to the unaided recollection of the three Kolayar witnesses. This is a point which the Sessions Judge has not discussed in paragraph 12 of his judgment but I think it is important and I do not think the evidence of identification is trustworthy.

That being so there is really no satisfactory evidence that the first accused went beyond Kunche on the 31st of January.

Even the evidence that he went with the deceased to Kunche by design is very weak. There is a marked discrepancy between the witnesses Amasi and Venkata (brothers of the deceased) on the one side, and Kolachari on the other as to the place where the first accused and the deceased agreed to go to Kunche together: and the brother of the deceased are not altogether to be trusted as against the first accused, for on their own showing they had a cause of offence against him by reason of his relations

with

with their sister-in-law. It is difficult to place much reliance upon this evidence, especially when taken with the evidence of Mallah. If the first accused openly engaged him on the morning of the 31st of January to go with him to Ranchi and if they left the village or the house of Kalachari together as he says, there is no obvious reason why they should have separated just outside the village, as they must have done if Mallah's evidence is true. I must hold it not satisfactorily proved that the first accused and the deceased went together by arrangement to Ranchi. Even if they did there would be little significance in that, as they were according to the evidence very good friends.

I might leave the case there perhaps, but it is desirable to say something of the evidence of motive. Apart from the confession which I exclude from consideration, we may perhaps accept the evidence of Amani and Venkata that they had reason to believe that Nerduri, the wife of the deceased, whom they describe as a headstrong and impudent sort of woman, was too friendly with the first accused, but that friendship they say had been going on for some years, and their evidence shows that her husband, described as a dullwitted fellow, was none the less a friend of the first accused and would not forbid him to come to his house. Nerduri left her husband's house about the time of the Dasara of 1917 and went to Ramamundra, some four miles away, to live with her mother: whether she left in consequence of a quarrel with her husband in the course of which he gave her one or two blows, or in consequence of quarrels with her 2 brothers-in-law who according to their own account, were upbraiding her for her real or suspected misconduct, or for some other reason is not quite clear. There is little evidence that

the

the deceased beat her, but this point is not of great importance: she did not so far as can be gathered from the evidence leave because her husband objected to her meeting the first accused: if there was a quarrel between them it is not likely to have been on that account: if she was headstrong and a negligent house-wife there may have been many causes of quarrel between them.

The theory advanced for the prosecution, based principally on the confessions, is that Nardurí instigated the murder of her husband because it was resentment against him that kept her from returning to Hirehalli where the accused lived, but rejecting the confessions there is little or nothing to suggest this. Dyavamma says Nardurí refused to go back to her husband, and that the first accused came to Kamasamudra on one occasion to visit her there and stayed two or three days, but from the evidence it seems more likely that it was resentment against her brothers-in-law than against her husband which kept her in Kamasamudra. It is certainly not easy to see how it would have been easier for her to return to Hirehalli after her husband's death, and so the suggestion is that she and the first accused hoped to marry one another after that event.

But the first accused had a young wife, and Nardurí had a child, and beyond the one visit to Kamasamudra there is nothing to show that the first accused was so infatuated as to be willing to saddle himself with a second wife and a step child when he could gratify his desire for Nardurí without difficulty while her husband was alive.

The view that he was overpersuaded by Nardurí

to undertake the murder of her husband is of course possible but is pure surmise. Even in the confession he does not say he required any persuasion. Nandani has not been examined as a witness or put on her trial because she is said to have disappeared from Chemmaryapatna when she was retained there by the police awaiting the arrival of the Amildar, and has not been heard of since.

Thus there is little to suggest that the first accused, assuming his intimacy with Nandani, was likely to have taken part in the murder of his friend her husband.

Other evidence against him is the production by by the witness Vaba after the arrest of the first accused of a chopper which was found by the Chemical Examiner to have some stain of blood on the blade, and which is according to the medical officer a weapon with which the murder might have been committed. Vaba says he lent it to the first accused on a Wednesday and got it back on the following Friday, some twenty twenty days before the Inspector came to his house and asked for it. Those dates might be the 30th of January and the 1st of February if the calculation of twenty days is accurate: if so the evidence casts suspicion on the first accused: but Vaba lent the chopper to any one who asked for it for killing sheep, and the chemical examiner does not say whether the blood stains were old or fresh when he detected them. So that this piece of evidence even accepting the evidence that the first accused gave the information which led the police to Vaba's house, would be insufficient of itself

itself to justify a conviction; and as has been shown there is little if any other evidence to lead to the conclusion that the first accused is guilty. The weapon was produced by Vaba on the 15th of February and the Jemadar (the only witness for the prosecution) says the accused if when questioned about ~~the weapon~~ it said that it was with Vaba. The accused now denies that he either borrowed the weapon or told the police where to find it but his statements are not of much value: he denies everything put to him in the court of Session, except one incident. But the police were looking for a weapon which could separate a head from its trunk, and for evidence against the first accused: anyone in the village could, on Vaba's showing, have told ~~him~~ them he had a heavy chopper in his house, and it may easily be that Vaba would prefer even falsely to say that he had lent the weapon to the accused rather than to lie under what he might fear to be the suspicions of the police against himself. But even accepting his and the police Jemadar's evidence, the production of the chopper is as I have said not of very great weight by itself.

The incident which the first accused admits is that he consulted a soothsayer at Kadabegal where he was arrested. He says he consulted him about the pregnancy of his wife but he has not attempted to prove that his wife was pregnant on the 15th of February; the soothsayer says that the consultation was about a case in the cutcherry in connection with a woman, and the Sessions Judge relies on this as evidence against the first accused. But assuming that the case was the case of the murder of Kardari's husband it has to be remembered that the accused was in Hirehalli on the 9th of February: the Jemadar says there that day and on that day was prepared there the

Reports

report Exhibit P$_1$ by the patel of Kirchalli in which suspicion was cast upon the first accused. Guilty or innocent he might easily have thought his best plan was to go away, and stay awhile with Dubasi, and the consultation with the soothsayer is not an unnatural occurrence in the circumstances.

Accepting the evidence of Bette and Singa that there were two Gondas at the toddy shop, and that Chilka removed a sickle, it is no doubt probable that Chilka had gone one to help him with the murder, for the murder was not the medical officer says committed with the sickle: but the evidence does not in my opinion show beyond reasonable doubt that this helper was the first accused.

Some comment was made in argument on behalf of the second accused on the fact that there was no sign of a struggle at the place where the body was found, and the learned Judge suggests that Kata may have been drugged, but there is nothing in the evidence to suggest this, and even if the quantity of toddy taken by him at Sattigumballi was not enough to intoxicate an ordinary man to the extent of leaving him unable to protect himself, there is no improbability in assuming that Kata may have commenced his drinking at the shandy at Kimuba, or that he may have been a man unable, in colloquial phrase, to carry much liquor.

In the result the conviction and sentence on the second accused Chilka must be confirmed, and the conviction of the first accused Lenna reversed and he must be released

(Sd.) Leslie C. Miller

CHIEF JUDGE.

Mr. Justice T. RAMAKRISHNA REDDY : -

I agree. I am of opinion that all the evidence against the first accused is a concoction and that no part of his confession is his own. He had every motive to save the life of his complaisant friend Kata and see him live comfortably in Hirehalli with his wife and child. The fact that in his confession he mentions the Dandigenhalli arrack shop in place of the Shettigenhalli Toddy shop convinces me that he was innocent of the existence of Shettigenhalli and a Toddy shop in that place, that he was not able to retain the strange village and shop taught to him him by the Police and blundered into the road-side arrack shop of Dandigenhalli with which he was familiar. Chikka's statement in his confession that Somma said 'we are Holeyars' convinces me that the two men who according to the reliable witnesses Jayara and Kollo were seated by the prostrate man on the pathway from Anekere to Jagatvalli were both Holeyars. As to who the other Holeyar was it is a significant circumstance that Kata went for a drink with Haridasa of his village and that this Haridasa disappears from the evidence like the chopper Kata left outside the toddy-shop. Harduri was a niece of the first and the second witnesses for the prosecution as well as of her husband Kata. She was living with her mother-in-law and grandmother. The latter admittedly cooked for Kata after Harduri went to Kamanadra, grazes the buffaloes and moves about like anybody else. A lively girl like Harduri is usually the pet of her elderly uncles and

grandmother

grandmother mother-in-law, in the caste to which she belongs a liaison with a casteman is of little consequence and if the paramour was a young bosom friend of the uncle and husband like the first accused, the feelings of her uncle and grandmother in such a matter are best expressed in the words of the Patel 'he is a casteman what harm is there?'. It is not possible for me to believe that Narduri either voluntarily ran away or was driven out with reference to her intimacy with the first accused. Nata's mother has not been examined and Dyavamma his sister and Narduri's mother was examined by the Amildar on the 22nd when the investigation was nearly complete, though the Amildar personally visited Kamasamudra on the 18th after Nata's head had been identified. Narduri had a child of a year and a half and if trouble had arisen about her association with a casteman, Dyavamma would have convened a panchayat to settle the quarrel and send her daughter and grandchild back to her brother. Intimacy with a Malayar or madigar is however a very different matter. It is considered a cardinal sin against the caste and even the suspicion of such intimacy is considered a great disgrace. The other day when a young Bedar Talvar spoke lightly of an elderly Sivachar widow in the keeping of her brother-in-law and gave out she had once associated with a madigar, her brother-in-law brother and son-in-law conspired with her and murdered the Talvar.

Chikka had married the daughter of the female kulvadi of Hirehalli a year and a half before the occurrence and it is in evidence that he used to visit Hirehalli to help his mother-in-law and wife to cultivate their lands suggesting that his wife was immature and had

had not joined him in Ramanmudra. Byravamma deposed that she observed no intimacy between the first accused and Hardari when the former visited Ramanmudra. She also says that Chikka used to come to her house and talk to Hardari and that Hardari told her to mind her business when questioned about it. This suggests to my mind that Chikka and Hardari had conceived a mutual infatuation in Hirehalli, that her uncles, mother and grandmother are loth to admit a connexion so degrading to the family, and that the murder was planned by Hardari and Chikka as they could not indulge their love without putting Nata out of the way and that to effect his purpose Chikka secured the help of a Sagatvalli Koleyar (probably Veriabeta) through Kulvadi Natta and lured him towards Anekere from Kunche on pretext of getting him cheap grain at the Friday Sante of that place.

As to Hardari's disappearance from the Taluk Head Quarter town of Channrayapatna, I agree with the learned Sessions Judge it is a dark blot on the investigation and a mystery calling for prompt and searching investigation. She was admittedly taken by Jemadar Venkatsubbia from Ramanmudra to Channrayapatna after halting with her for a night at Basthalli. She was virtually in his custody from the 15th to the 17th. She was not formally arrested, or produced before the Inspector at Channrayapatna and the Amildar, Mr. Jaya Rao, says that when he went to Channrayapatna on the 17th and questioned the Jemadar about her he was told by the Jemadar that 'he was keeping her in his house and that she had disappeared that very morning by the back-door'. This raises a strong suspicion against the Jemadar and that suspicion is strengthened by his

evasive

evasive evidence giving the lie direct to the Amildar as to what transpired between him and the Jemadar on the 17th with reference to Hardhri. As noted by my learned Chief Exhibit P_4 shows that the Superintendent of Police issued orders 'to detect the case any how'. That direction was issued as shown by Exhibit P_4 to Jemadar Venkatsubbia who took charge of Hardhri and Jemadar Mohadin Beg who made the belated discovery of that Article 16 (about which nothing was elicited in the Patel's enquiry of the 6th) two days after the Amildar had ordered Hanma to be taken before a magistrate for confession. It does not appear if the Jemadar took Hardhri with her child, nothing appears in the evidence as to what became of the latter and altogether the circumstances connected with Hardhri's disappearance are calculated unless properly cleared up to create more distrust of the Hassan Police than a dozen undetected murders.

(Sd.) T. Paramasiva Iyer.

JUDGE.

True Copy

T. Venkata Ranga Iyengar

Registrar in charge

H.G.

G.R S. VI—S-III/33]

DRAFT.

SUBJECT.....

.....

.....

Section. C5
File No. 87-18
No. G 9781 Serial No. 2

Diary No. of letter replied to.....

To Rue 1008 & files of records

The Registrar of the Chief Court of Musore.

GENERAL AND REVENUE SECRETARIAT,
( )
the.....191

Date of issue 29-11-18

Signed by Asst G. S. Iyer

SIR,

I am directed to forward herewith for information of the Judges of the Chief Court and for communication to the prisoner Chikka, 2nd accused in Harapan Session case No. 5 of 1917-18 undergoing sentence of death

.....

in the Bangalore Central Jail, copy of order passed by H. H. the Maharaja of Mysore, on the prisoner's memorial

.....

2. The entire records received with your letter No. 261/Cr. dated 27th Sept. 1918 are herewith returned.

I have, etc.,

For Chief Secretary.

29/11

G. R. S. VII—S-III/34]

In the Matter of a Memorial

of Chikka 2nd. accused in Hassan Sessions case No. 5 of 1917-18 on the file of the Sessions Judge of Mysore Division and appellant in criminal appeal No. 99 of 1917-18 on the file of the Chief Court, praying for the remission of the sentence of death passed on him

His Highness the Maharaja

has been pleased to

direct that the sentence of death be commuted into one of transportation for life

Dated the 11th. Nov 1918)

Draft-)

Dewan.

23.11.18

WD 02264—GPB—500—5-2-17

19/11